Appl. No. 09/726,797
Appeal Brief in Response
to final Office action of 27 September 2005
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March 15, 2006

By:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant(s)	:al SAFADI et al.
Serial No.	: 09/726,797
Filed	: November 30, 2000
For	: CONTENT CONDITIONING METHOD AND APPARATUS INTERNET DEVICE
Examiner	: TRAN, QUOC A
Group Art Unit	: 2671

March 15, 2006

BRIEF FOR APPELLANT

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Appellant appeals the decision of the Examiner in Art Unit 2671, finally rejecting claims 1-32.

A Notice of Appeal was faxed on December 27, 2005. Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Decision, in the Official Action

dated September 27, 2005, finally rejecting claims 1-18. A check in the amount of $500 is enclosed herewith.

(i) **Real party in interest**

The real party in interest is Philips Electronics North America Corporation, a Delaware corporation with offices at 1251 Avenue of Americas, New York, New York 10020, to which Appellants have assigned all interest in, to and under this application, by virtue of an assignment as recorded at Reel 11402, Frame 50-51 of the Assignment records of the U.S. Patent and Trademark Office.

(ii) **Related appeals and interferences**

Upon information and belief, there are no other appeals or interferences, which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(iii) **Status of claims**

The application was filed on November 30, 2000. The application was filed with claims 1-18.

In a Final Office Action (the FOA) dated September 27, 2005, claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,430,624 to Jamtgaard (Jamtgaard) in view of US 6,704,024 to Robotham (Robotham).

The status of the claims as set out in the Advisory Action is:

Claims allowed: None

Claims objected to: None

Claims rejected: 1-18

The rejected claims are set out in the Appendix attached hereto.

The rejected claims are being appealed.

(iv) **Status of amendments**

Appellants' response filed on June 13, 2005 has been considered. Appellants did not otherwise cancel or amend any of the claims that are the subject of this appeal.

(v) **Summary of claimed subject matter**

The invention is directed to a method and apparatus for conditioning content for presentation on a variety of different types of devices without alteration of the corresponding stylesheets. See Specification, page 3, lines 15-19; page 9, lines 20-24. The inventive methods and apparatus are operable to alter the content of the same document so as to have various versions of the retrieved content compatible with the typical usage of a variety of different devices which include, but not limited to, television, computer, cell phone, personal digital assistance (PDA). See Specification, page 6, lines 22-25; FIGS. 2A and 2B.

To condition an original XML document by altering its content, the inventive method and apparatus determine a content profile that is unique for a given device from which a request for the original document has been sent out. The content profile includes at least one operation and corresponding parameter that are required to condition the requested document for a desired consumption experience at the particular device. The determined content profile is then applied to a content conditioner associated with the particular device. See Specification, page 8, lines 1-13 and FIG. 3. The operation may be, for example, a summarization program which specifies a manner in which summarization information derived from the retrieved original document is presented at the particular device. Accordingly, a document requested by a user operating, for example, a PC, has one version displayed on the screen of the PC. See FIG. 2A. If the same document is requested from a different device, for example a PDA, the summarization program associated with the PDA determines the key points of the original document and alters the content of the document whose shorter version is output on the PDA's display. See FIG. 2B; page 9, line 25 through page 10, line 4. A further example of a specific operation may include an authorization/filtering program ensuring that multiple users operating respective devices are permitted to view only selective portions of the same content. Each portion of the content is conditioned by a content conditioner associated with a particular device. See FIG. 4B; page 10, lines 5-25.

In addition to determining a content profile, the inventive method and apparatus are operable to select a schema for the particular device and supplied the selected schema to the content conditioner, in which both the determined content and selected schema are processed. See Specification, page 8, lines 14-28. The schema includes additional information about the

particular device, such a document formatting information. *Id.* As a consequence, the content conditioner invokes the operation specified by the determined content profile and structures the output of the content conditioner in accordance with the selected schema. See Specification, page 9, lines 1-3conditioned document content is generated. The output of the content conditioner is an XML document that is configured for presentation in the particular device. See Specification, page 9, lines 6-7.

Subsequently, the output is supplied as an input to a conventional extensible stylesheet language (XSL) engine, as shown in FIG. 3, which also receives a stylesheet associated with the particular device. See Specification, page 9, lines 10-13. The XSL engine is operable to generate a presentation which is appropriately conditioned for the particular device.

As recited in Claim 1, the inventive method for conditioning content for presentation at a processing device comprises determining a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the device (See Specification, page 8, lines 5-8); generating a conditioned document by applying the content profile to a requested document containing content for presentation at the device (see Specification, page 9, lines 1-3); determining a stylesheet associated with the device (See Specification, page 9, lines 5-8); and applying the stylesheet to the conditioned document to generate an output suitable for presentation at the device (See Specification, page 9, lines 15-17).

As recited in independent Claim 17, the inventive apparatus for conditioning content for presentation at a processing device comprises a memory for storing at least a portion of a content profile associated with the device and including at least one operation and parameter for conditioning data on the device; and a processor coupled to the memory and operative to generate a conditioned document by applying the content profile to a requested document containing content for presentation at the device and to determine a stylesheet associated with the device and to apply the stylesheet to the conditioned document to generate an output suitable for presentation at the device. (See Specification, page 13, lines 14-24)

As recited in independent Claim 18, the inventive article of manufacture comprises a machine-readable storage medium containing one or more software programs for conditioning content for presentation at a processing device, wherein the one or more software programs executed implement the steps of determining a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the

device; generating a conditioned document by applying the content profile to a requested document containing content for presentation at the device; determining a stylesheet associated with the device; and applying the stylesheet to the conditioned document to generate an output suitable for presentation at the device . (See Specification, page 7, line 23 through page 9, line 19)

(vi) **Grounds of rejection to be reviewed on appeal**

Whether or not claims 1-18 are unpatentable under 35 U.S.C. § 103(a) as being unpatentable over Jamtgaard in view of Robotham.

(vii) **Argument**

CLAIM 1

1. Independent Claim 1 (in italics, below) specifically recites:

> *determining a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the device*

Jamtgaard teaches a method and system operable to provide different types of content to different types of devices by using a relation markup language (RML) to permit each information appliance to display data from an original web page. See Jamtgaard col. 2, lines 50-65; col. 8, lines 4-15. Jamtgaard teaches reformatting content in order to make it suitable for multiple types of browsing devices by initially converting a source XHTML document to an RML document content. Subsequently, the RML document is converted into device and protocol specific murk-up language formats by creating at least one presentation shoe. See Jamtgaard, col. 7, lines 48 through col. 8, line 10. "The presentation shoe thus contains the original HTML content of a webpage that is reformatted into an appropriate format language and targeted at an information appliance." See Jamtgaard, col. 8, lines 12-17. Accordingly, the same data is displayed on multiple devices although screen sizes, user interface and protocol of these devices may vary. *Id.*

Thus, Jamtgaard teaches that the RML is just another markup language that can be used with any device regardless of operations and parameters associated with each particular device. In contrast, the content profile including at least one operation and parameter, as recited in claim 1, is associated with only one device. The Examiner concurs. See FOA, page 4, last paragraph.

However, the Examiner contends that Robotham cures the deficiency of Jamtgaard. Appellants respectfully disagree.

Robotham discloses operating a server as a proxy client which renders visual content of a document. Utilizing the server for the intended purposes reduces software and hardware requirements on a client. See Robotham, col. 3, lines 34-46. In particular, the proxy renders visual content to its display portion and, then, can divide the content into multiple pages or sections that fit the server's display portion. See Robotham, col. 9, lines 4-16. In contrast to the inventive method, as recited in claim 1, Robotham does not teach or suggest conditioning content based on a specific operation of a particular device. What Robotham suggests is that a user may "[F]or example, change the font size parameter in a rasterized representation from 10 point Times 12 to 12 point Helvetica to create a different look but ...not a different rendering mode." See Robotham, col. 4, lines 11-14. Furthermore, if a particular detail of visual content is of a particular interest for the user, he/she "can optionally select a specific 'region of interest' on an overview raster representation for viewing at the detail level. This allows the user to control how much of the detail is being sent from server to client." See Robotham col. 4, lines 54-58. Robotham is silent about determining a content profile including at least one operation and parameter associated with a given device, as is necessary for curing the deficiency of Jamtgaard.

The role of the user is well disclosed in col. 12, lines 49-67 of Robotham referred to by the Examiner in FOA, page 4, second paragraph, who contends that the referred to text suggests "determining at least one operation and parameter for conditioning data on the device", as recited in Claim 1. Applicants respectfully disagree.

In the text referred to by the Examiner, Robotham discloses that a single user may operate different types of client devices without a need for "the type of content for display when switching between client devices 24. Moreover, the content provider is assured of a more *consistent experience* by users interacting with the content." See Robotham. Col. 12, lines 44-48 (Emphasis added)

The reason for the consistent experience is the user's preferences, such as a central set of "bookmarks", which is created by the user on any of his/her devices and stored at the server. Robotham further discloses that these bookmarks are not associated with any particular device and explicitly teaches that the centralized set of bookmarks can be accessed from any of the client devices associated with the user. See Robotham col. 12, lines 59-61. What it means is

that the "user can easily return to a visual content element 10 ... previously viewed by the user on a different client device 24." See Robotham, col. 12, lines 52-54. The visual content element - content - is uniform for each of multiple devices associated with a particular user. Nothing in the referred to text of Robotham appears to suggest modifying or conditioning content based on an unique content profile of each of multiple devices associated with the user. Accordingly, the content profile of all of the user's devices is the same. Thus, the Examiner's assertion that Robotham suggests using "content profile including at least one operation and parameter" appears to be incorrect and contradicts the teaching of Robotham.

In contrast, while a plurality of devices may be associated with the user in the context of the invention, each device has a unique content profile conditioning a requested document in different ways. See, for example, Specification, FIGS. 2A and 2B.

To summarize a combination of Jamtgaard and Robotham, as has been discussed above, Jamtgaard does not teach determining at least one operation and parameter associated with a particular device. Nor does Robotham suggest determining at least one operation and parameter associated with a particular device. Consequently, a combination of these references cannot render a method in which a content profile including at least one operation and parameter associated with a particular device is determined, as recited by Claim 1. The method as taught by the combination of Jamtgaard and Robotham will have the same data that can be differently arranged on different devices. For example, the same data can be displayed on a PC having the entire data displayed on a single page and a PDA having the same data displayed on multiple pages.

In contrast, of course, Claim 1 recites "determining a content profile associated with the device, the content profile including at least one operation and parameter." Consequently, a combination of cited references cannot render Claim 1 obvious because both of the references lack teaching of the above-discussed limitation recited by Claim 1. In view of the foregoing, it is respectfully submitted that appealed Claim 1 is patentable over Jamtgaard in view of Robotham.

CLAIMS 2-16

Claims 2-10 depend directly from claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988). Therefore, claims 2-16 are patentable over Jamtgaard in view of Robotham.

INDEPENDENT CLAIM 17

Claim 17 recites an apparatus comprising, among others, the following:

> *a memory for storing at least a portion of a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the device*

As discussed above with reference to independent Claim 1, neither Jamtgaard nor Robotham teaches or suggests storing the content profile including at least one operation and parameter for conditioning data on the device. Accordingly, Claim 17 is deemed to be patentable of the combination as recited by the Examiner.

INDEPENDENT CLAIM 18

Independent Claim 16 recites an article of manufacture comprising, among others, a processor which is configured to:

> *determining a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the device*

As discussed above with reference to independent Claim 1, a combination of Jamtgaard and Robotham does not teach or suggests the above-quoted recitation. Accordingly, Claim 18 is not obvious in light of Jamtgaard/Robotham combination and is, thus, patentable under 35 U.S.C. §103(a).

(viii) Conclusion

Claims 1-18 are not obvious in view of Jamtgaard and Robotham. Accordingly, it is respectfully submitted that the Examiner erred in rejecting claims 1-18 and a reversal of such rejections by this Honorable Board is solicited

Respectfully submitted,

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APPENDIX

CLAIMS ON APPEAL

1. A method for conditioning content for presentation at a processing device, the method comprising the steps of:

determining a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the device;

generating a conditioned document by applying the content profile to a requested document containing content for presentation at the device;

determining a stylesheet associated with the device; and

applying the stylesheet to the conditioned document to generate an output suitable for presentation at the device.

2. The method of claim 1 wherein the retrieved document comprises an extensible mark-up language document.

3. The method of claim 1 further including the steps of determining a schema associated with the device, and generating the conditioned document by applying the content profile and the schema to the requested document.

4. The method of claim 1 wherein the first applying step is implemented in a content conditioner element of the processing device.

5. The method of claim 1 wherein the first applying step is implemented in a content conditioner element of a server which stores at least a portion of the requested document.

6. The method of claim 1 wherein the second applying step is implemented in an extensible stylesheet language engine element of the processing device.

7. The method of claim 1 wherein the second applying step is implemented in an extensible stylesheet language engine element of a server which stores at least a portion of the requested document.

8. The method of claim 1 wherein the content profile for a given device comprises one or more operations and corresponding parameters that are required to condition the requested document content for a desired consumption experience at the processing device.

9. The method of claim 1 wherein the content profile comprises a summarization program which specifies a manner in which summarization information derived from the retrieved document is to be presented at the device.

10. The method of claim 1 wherein the content profile specifies a maximum percentage of an amount of original text associated with the requested document that is to be presented at the device.

11. The method of claim 1 wherein the output is presented in a visually-perceptible manner on a display of the device.

12. The method of claim 1 wherein the output is presented in an audibly-perceptible manner using a speaker associated with the device.

13. The method of claim 1 wherein the processing device comprises a desktop or portable personal computer.

14. The method of claim 1 wherein the processing device comprises a personal digital assistant.

15. The method of claim 1 wherein the processing device comprises a wireless telephone.

16. The method of claim 1 wherein the processing device comprises an Internet-enabled television.

17. An apparatus for conditioning content for presentation at a processing device, the apparatus comprising:

a memory for storing at least a portion of a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the device; and

a processor coupled to the memory, the processor being operative:

to generate a conditioned document by applying the content profile to a requested document containing content for presentation at the device;

to determine a stylesheet associated with the device; and

to apply the stylesheet to the conditioned document to generate an output suitable for presentation at the device.

18. An article of manufacture comprising a machine-readable storage medium containing one or more software programs for conditioning content for presentation at a processing device, wherein the one or more software programs when executed implement the steps of:

determining a content profile associated with the device, the content profile including at least one operation and parameter for conditioning data on the device;

generating a conditioned document by applying the content profile to a requested document containing content for presentation at the device;

determining a stylesheet associated with the device; and applying the stylesheet to the conditioned document to generate an output suitable for presentation at the device.

(ix) Evidence appendix

None.

(x) Related Proceedings Appendix

None.